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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,605	02/03/2004	Rodric C. Fan	M-16547 US	3431
32605 7590 04/18/2008 MACPHERSON KWOK CHEN & HEID LLP 2033 GATEWAY PLACE SUITE 400 SAN JOSE, CA 95110				
EXAMINER				
YUN, EUGENE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/771,605

Applicant(s)

FAN ET AL.

Examiner

EUGENE YUN

Art Unit

2618

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/22/2008 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 36 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 36 fails to fall within a statutory category of invention. It is directed to the instructions themselves, not a process occurring as a result of executing the instructions, a machine programmed to operate in accordance with the instructions nor a manufacture structurally and functionally interconnected with the instructions in a manner which enables the program to act as a computer component and realize its functionality. It's also clearly not directed to a composition of matter. Therefore it is non-statutory under 35 USC 101.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis et al. (US 6,219,694) in view of Sawyer (US 5,794,140).

Referring to Claim 1, Lazaridis teaches a communication system comprising:

A mobile unit having a processor, a memory, and a wireless modem for generating a report (see col. 13, lines 6-19).

Lazaridis does not teach a user interface unit that generates and transmits a command for configuring a report; and the mobile unit automatically generating a report according to the command, formatting the report according to an electronic mail protocol, and transmitting the report to the user interface unit. Sawyer teaches a user interface unit that generates and transmits a command for configuring a report; and the mobile unit automatically generating a report according to the command, formatting the report according to an electronic mail protocol, and transmitting the report to the user interface unit (see col. 9, line 56 to col. 10, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Sawyer to said device of Lazaridis in order to better utilize unused service capacity.

Referring to Claim 2, Lazaridis also teaches the status report transmitted from the mobile unit to the user interface unit according to one of SMTP, POP, IMAP, MIME, RFC-822, and IM protocols (see col. 10, lines 53-57).

Referring to Claim 3, Lazaridis also teaches a detection component coupled to the processor, wherein the detection component comprises a sensor for measuring a physical parameter (see col. 2, lines 61-65).

Referring to Claim 4, Lazaridis also teaches a means for determining a position of the mobile unit (see col. 8, lines 52-55).

Referring to Claim 5, Lazaridis also teaches a receiver for receiving positioning data from satellites, allowing the processor to use the positioning data for determining a position of the mobile unit (see col. 6, lines 2-6).

Referring to Claim 6, Lazaridis also teaches the memory storing the status report for a predefined length of time after the status report is transmitted to the user interface unit (see col. 3, lines 7-14).

Referring to Claim 7, Lazaridis also teaches a plurality of mobile units including the mobile unit, wherein the user interface unit is connected to a backend processing unit for combining status reports generated by the plurality of mobile units (see col. 3, lines 36-46).

Referring to Claim 8, Lazaridis also teaches an input device for receiving information from a user and an output device for presenting information to a user (see col. 8, lines 11-25).

Referring to Claim 9, Lazaridis also teaches the report format changeable through the user interface unit (see col. 8, lines 11-25).

Referring to Claim 10, Lazaridis also teaches reconfiguring the status report according to a command received from the user interface unit (see col. 6, lines 7-20).

Referring to Claim 11, Lazaridis also teaches a database for manually entering peripheral data, wherein the peripheral data is used for compliance with the report format (see col. 8, lines 32-40).

Referring to Claim 12, Lazaridis also teaches the peripheral data comprising at least one of landmarks, maps, speed limits, and traffic light positions for the mobile unit to use as a positional reference in the status report, wherein the positional references indicates a position of the mobile unit (see col. 8, lines 52-55).

Referring to Claim 13, Lazaridis also teaches adding landmarks to the database for use in the status report (see col. 8, lines 52-55).

Referring to Claim 14, Lazaridis also teaches transmitting one or more landmarks to the mobile unit for use as a positional reference in the status report (see col. 8, lines 52-55).

Referring to Claim 15, Lazaridis also teaches a mobile communication device comprising:

A detection component for measuring a physical parameter (see col. 2, lines 61-65).

A processor connected to the detection component, wherein the processor is for generating a report incorporating the physical parameter (see col. 13, lines 6-19); and

A memory connected to the processor, wherein the memory is for storing the status report (see col. 3, lines 7-14).

Lazaridis does not teach generating the report according to an external command.

Sawyer teaches generating the report according to an external command and a wireless

modem connected to the processor, wherein the wireless modem is for transmitting the status report according to a predetermined electronic mail protocol once the physical parameter fulfills a condition (see col. 9, line 56 to col. 10, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Sawyer to said device of Lazaridis in order to better utilize unused service capacity.

Referring to Claim 16, Lazaridis also teaches the electronic mail protocol as one of SMTP, POP, IMAP, MIME, RFC-822, and IM protocols (see col. 10, lines 53-57).

Referring to Claim 17, Lazaridis also teaches a means for determining a position of the mobile unit (see col. 8, lines 52-55).

Referring to Claim 18, Lazaridis also teaches a database for storing landmarks, maps, speed limits, and traffic light positions for the mobile unit to use as a positional reference in the location of the mobile unit (see col. 8, lines 52-55).

Referring to Claim 19, Lazaridis also teaches the condition as one of:

A passage of a predetermined amount of time since a previous transmission, a predetermined relationship between the physical parameter and a reference value, a minimum distance traveled since a previous transmission, and a command from an external source to transmit the status report (see col. 6, lines 7-20).

Referring to Claim 20, Lazaridis teaches a method of communication comprising:

Obtaining data (see col. 7, lines 1-4);

Preparing a report incorporating the data (see col. 13, lines 6-19); and

Transmitting the report using one of SMTP, POP, IMAP, MIME, RFC-822, and IM protocols (see col. 10, lines 53-57) if the data satisfies a predefined condition, without receiving an external command to transmit (see col. 6, lines 7-20).

Lazaridis does not teach automatically preparing a report incorporating the data, wherein the report includes data requested in a command. Sawyer teaches automatically preparing a report incorporating the data, wherein the report includes data requested in a command (see col. 9, line 56 to col. 10, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Sawyer to said device of Lazaridis in order to better utilize unused service capacity.

Referring to Claim 21, Lazaridis teaches determining whether the data fulfills a predefined condition by comparing the data against a reference value (see col. 7, lines 36-45).

Referring to Claim 22, Lazaridis also teaches the data as at least one of position information, calculated information, physical parameters, and environmental parameters (see col. 6, lines 60-65).

Referring to Claim 23, Lazaridis also teaches time-stamping the status report (see col. 3, lines 20-24).

Referring to Claim 24, Lazaridis also teaches storing the status report for a predetermined period of time (see col. 8, lines 52-55).

Referring to Claim 25, Lazaridis also teaches counting a length of distance traveled or time passed since a previous transmission to determine if the data satisfies the predefined condition (see col. 3, lines 20-24).

Referring to Claim 26, Lazaridis also teaches reconfiguring the status report in response to a command, wherein the command is received in an e-mail format (see col. 4, lines 62-66).

Referring to Claim 27, Lazaridis also teaches comparing the data against an emergency condition and transmitting an alert signal if the data satisfies the emergency condition (see col. 1, line 66 to col. 2, line 4).

Referring to Claim 28, Lazaridis also teaches receiving an enabling command for adding new data to a database, and adding new data to the database before receiving a disabling command for disabling addition of new data to the database (see col. 8, lines 32-40).

Referring to Claim 29, Lazaridis also teaches preparing the status report in a human-readable format such that no format conversion is necessary before the status report is presented to a viewer (see col. 6, lines 7-20).

Referring to Claim 30, Lazaridis also teaches the human-readable format is one of HTML and text format (see col. 6, lines 7-20).

Referring to Claim 31, Lazaridis also teaches preparing the status report in a standard application format (see col. 6, lines 7-20).

Referring to Claim 32, Lazaridis also teaches encrypting the status report prior to transmission (see col. 6, lines 52-65).

Referring to Claim 33, Lazaridis also teaches receiving a message in one of SMTP, POP, IMAP, MIME, RFC-822, and Instant Messaging (IM) protocols; and authenticating the received message (see col. 10, lines 53-57).

Referring to Claim 35, Lazaridis teaches a mobile device for communication via a wireless network, comprising:

means for obtaining physical data and positioning data (see col. 6, line 60 to col. 7, line 4).

Lazaridis does not teach means for receiving a configuration command. Sawyer teaches means for receiving a configuration command, means for preparing a report using the physical data and the positioning data, wherein the report includes data requested in the configuration command, and means for transmitting the report in an electronic mail format without receiving an external command to transmit (see col. 9, line 56 to col. 10, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Sawyer to said device of Lazaridis in order to better utilize unused service capacity.

Response to Arguments

5. Applicant's arguments with respect to claims 1-33, 35, and 36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUGENE YUN whose telephone number is (571)272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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